

EXHIBIT 10

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

GOOGLE LLC,

Plaintiff,

vs.

Case No. 3:20-cv-06754 WHA

Related to Case No.

3:21-cv-07559 WHA

SONOS, INC.,

Defendant.

REMOTE VIDEOTAPED DEPOSITION BY VIRTUAL ZOOM OF
CHRISTOS KYRIAKAKIS, Ph.D.
Tuesday, March 1, 2022

Reported By: Lynne Ledanois, CSR 6811

Job No. 5112102

<p>1 UNITED STATES DISTRICT COURT</p> <p>2 FOR THE NORTHERN DISTRICT OF CALIFORNIA</p> <p>3 SAN FRANCISCO DIVISION</p> <p>4 -----x</p> <p>5 GOOGLE LLC,</p> <p>6 Plaintiff,</p> <p>7 vs. Case No. 3:20-cv-06754 WHA</p> <p>Related to Case No.</p> <p>8 3:21-cv-07559-WHA</p> <p>9 SONOS, INC.,</p> <p>10 Defendant.</p> <p>11 -----x</p> <p>12</p> <p>13</p> <p>14 Videotaped deposition of CHRISTOS</p> <p>15 KYRIAKAKIS, taken in Los Angeles, California,</p> <p>16 commencing at 9:09 a.m., on Tuesday, March 1, 2022</p> <p>17 before Lynne Ledanois, Certified Shorthand Reporter</p> <p>18 No. 6811</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>Page 2</p>	<p>1 INDEX OF EXAMINATION</p> <p>2</p> <p>3 Examination by: Page</p> <p>4 Mr. Pak 7</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>Page 4</p>
<p>1 REMOTE APPEARANCES</p> <p>2</p> <p>3 Counsel for Sonos LLC:</p> <p>4 LEE SULLIVAN SHEA & SMITH LLP</p> <p>5 BY: GEORGE LEE</p> <p>6 JAE PAK</p> <p>7 Attorneys at Law</p> <p>8 656 W Randolph Street</p> <p>9 Suite 5W</p> <p>10 Chicago, Illinois 60661</p> <p>11 lee@ls3ip.com</p> <p>12 pak@ls3ip.com</p> <p>13</p> <p>14 Counsel for Google LLC:</p> <p>15 QUINN EMANUEL URQUHART & SULLIVAN, LLP</p> <p>16 BY: NIMA HEFAZI</p> <p>17 Attorney at Law</p> <p>18 865 S. Figueroa Street</p> <p>19 Tenth Floor</p> <p>20 Los Angeles, California 90017</p> <p>21 nima.hefazi@quinnemanuel.com</p> <p>22</p> <p>23 ALSO PRESENT:</p> <p>24 Steven Togami, Videographer</p> <p>25</p> <p>Page 3</p>	<p>1 INDEX OF EXHIBITS</p> <p>2 Deposition Description Page</p> <p>3 Exhibit 1 Declaration of Dr. Kyriakakis; 12</p> <p>4 Exhibit 2 US Patent No. 9,967,615 B2; 33</p> <p>5 Exhibit 3 Document headed, Playing Tracks 35</p> <p>6 in Playlists;</p> <p>7 Exhibit 4 Document headed, Exhibit B, 37</p> <p>8 Help Guide - Sony;</p> <p>9 Exhibit 5 Document headed, How to Operate 39</p> <p>10 with a Smartphone;</p> <p>11 Exhibit 6 Document headed, Configuring the 42</p> <p>12 Shuffle Play or Repeat Mode;</p> <p>13 Exhibit 7 Document headed, Listening to 44</p> <p>14 the TuneIn Music Services;</p> <p>15 Exhibit 8 Document headed, Exhibit F, 47</p> <p>16 Vista;</p> <p>17 Exhibit 9 Document headed, Exhibit E, 52</p> <p>18 Controller Guide;</p> <p>19 Exhibit 10 Document headed, Introduction 64</p> <p>20 to Persistent Uniform Resource</p> <p>21 Locators;</p> <p>22 Exhibit 11 Document headed, Exhibit G, 69</p> <p>23 Merriam-Webster;</p> <p>24</p> <p>25</p> <p>Page 5</p>

<p>1 Tuesday, March 1, 2022</p> <p>2 9:09 a.m.</p> <p>3</p> <p>4 VIDEOGRAPHER: We're on the record at</p> <p>5 9:09 a.m. on March 1st, 2022. 9:09AM</p> <p>6 Audio and video recording will continue to</p> <p>7 take place unless all parties agree to go off the</p> <p>8 record.</p> <p>9 This is Media Unit Number 1 of the</p> <p>10 video-recorded deposition of Chris Kyriakakis, 9:10AM</p> <p>11 Ph.D., taken by counsel for Sonos Inc. in the matter</p> <p>12 of Google LLC versus Sonos Inc. filed in the United</p> <p>13 States District Court for the Northern District of</p> <p>14 California, San Francisco Division. Case Number</p> <p>15 3:21-cv-07559-WHA. 9:10AM</p> <p>16 This deposition is taking place through</p> <p>17 Veritext Zoom technology. All participants are</p> <p>18 attending remotely.</p> <p>19 My name is Steven Togami from the firm</p> <p>20 Veritext Legal Solutions and I'm the videographer. 9:10AM</p> <p>21 The court reporter is Lynne Ledanois from the firm</p> <p>22 Veritext Legal Solutions.</p> <p>23 I'm not related to any party in this</p> <p>24 action, nor am I financially interested in the</p> <p>25 outcome. 9:11AM</p> <p style="text-align: right;">Page 6</p>	<p>1 A Yes. 9:12AM</p> <p>2 Q Have you been deposed by anyone since that</p> <p>3 time?</p> <p>4 A No.</p> <p>5 Q Just so we're on the same page, I want to 9:12AM</p> <p>6 run through some general guidelines and the same</p> <p>7 guidelines as last time. Bear with me here.</p> <p>8 Number one, I'll ask you questions and you</p> <p>9 must give truthful answers.</p> <p>10 Number two, your counsel may object to 9:12AM</p> <p>11 questions but unless your counsel instructs you not</p> <p>12 to answer, you still have to answer despite the</p> <p>13 objection.</p> <p>14 Number three, if you don't understand a</p> <p>15 question or need clarification, please ask. 9:13AM</p> <p>16 Otherwise, I'll assume that you understand the</p> <p>17 question.</p> <p>18 Number four, we'll plan to take a break</p> <p>19 every hour or so. If you need a break outside of</p> <p>20 that schedule, let me know and I can try to 9:13AM</p> <p>21 accommodate your request.</p> <p>22 I just ask that you finish any pending</p> <p>23 question before we go on break.</p> <p>24 Number five, the court reporter will be</p> <p>25 transcribing our discussion today, so I'll need you 9:13AM</p> <p style="text-align: right;">Page 8</p>
<p>1 If there are any objections to proceeding, 9:11AM</p> <p>2 please state them at the time of your appearance.</p> <p>3 At this time will counsel and all present</p> <p>4 please state their appearances and affiliations for</p> <p>5 the record starting with the noticing party. 9:11AM</p> <p>6 MR. PAK: This is Jae Pak from Lee</p> <p>7 Sullivan Shea & Smith representing Sonos Inc. I</p> <p>8 also have with me George Lee from the same firm.</p> <p>9 MR. HEFAZI: This is Nima Hefazi of Quinn</p> <p>10 Emanuel on behalf of Google. 9:11AM</p> <p>11 VIDEOGRAPHER: Thank you. Could we please</p> <p>12 have the oath.</p> <p>13</p> <p>14 CHRISTOS KYRIAKAKIS, PH.D.,</p> <p>15 having been duly sworn, testified as follows: 9:11AM</p> <p>16</p> <p>17 EXAMINATION</p> <p>18 BY MR. PAK:</p> <p>19 Q Dr. K, could you please state your full</p> <p>20 name and spell your name for the record, please. 9:12AM</p> <p>21 A My name is Chris, C-H-R-I-S, last name</p> <p>22 Kyriakakis, K-Y-R-I-A-K-A-K-I-S.</p> <p>23 Q Do you recall I deposed you for the</p> <p>24 Sonos v. Google case in the Western District of</p> <p>25 Texas on June 11, 2021? 9:12AM</p> <p style="text-align: right;">Page 7</p>	<p>1 to give verbal answers as opposed to head nods. 9:13AM</p> <p>2 Understood?</p> <p>3 A Yes.</p> <p>4 Q Okay. You submitted a declaration on</p> <p>5 February 11th for this matter between Sonos and 9:13AM</p> <p>6 Google; correct?</p> <p>7 A That's correct.</p> <p>8 Q You're retained as an expert to offer your</p> <p>9 opinions on claim construction related to the '615</p> <p>10 and '033 patents asserted in this case; correct? 9:13AM</p> <p>11 A Yes, correct.</p> <p>12 Q Specifically you were retained as an</p> <p>13 expert to offer your opinions on the terms "playback</p> <p>14 queue" and "resource locator"; correct?</p> <p>15 A Correct. 9:14AM</p> <p>16 Q When were you contacted to offer your</p> <p>17 opinions on claim construction for the terms</p> <p>18 "playback queue" and "resource locator"?</p> <p>19 A I don't have the exact date. It was</p> <p>20 approximately in January of this year, something like 9:14AM</p> <p>21 that. It was around that time.</p> <p>22 Q Were you informed of what each party's</p> <p>23 construction was at the time?</p> <p>24 MR. HEFAZI: I'll caution the witness --</p> <p>25 you're starting to get into privileged issues, what 9:14AM</p> <p style="text-align: right;">Page 9</p>

<p>1 he was told between the attorneys. 9:14AM</p> <p>2 BY MR. PAK:</p> <p>3 Q I'm not asking for any specifics.</p> <p>4 Just yes or no, were you informed of what</p> <p>5 each party's construction was at the time? 9:14AM</p> <p>6 A I was informed of the -- there was a table</p> <p>7 of Google's proposed construction and Sonos's proposed</p> <p>8 construction. I just don't remember the --</p> <p>9 THE REPORTER: I'm sorry, Dr. K. I didn't</p> <p>10 hear that. Could you start over, please? "I was 9:14AM</p> <p>11 informed..."</p> <p>12 MR. HEFAZI: I think, Dr. K, you should</p> <p>13 just answer yes or no. I don't think --</p> <p>14 THE WITNESS: Okay. There was --</p> <p>15 MR. HEFAZI: You're starting to get into 9:15AM</p> <p>16 privileged. I'll let him answer this one, but this</p> <p>17 line of questioning, let's see where it goes.</p> <p>18 THE WITNESS: Yes, I was informed.</p> <p>19 BY MR. PAK:</p> <p>20 Q What did your analysis involve in 9:15AM</p> <p>21 preparing your declaration?</p> <p>22 A It involved --</p> <p>23 MR. HEFAZI: Again, just to caution the</p> <p>24 witness here, you can speak at a high level about</p> <p>25 the process, but I don't want you getting into 9:15AM</p> <p style="text-align: right;">Page 10</p>	<p>1 VIDEOGRAPHER: Going off the record at 9:18AM</p> <p>2 9:18 a.m.</p> <p>3 (Recess taken.)</p> <p>4 VIDEOGRAPHER: Going back on the record at</p> <p>5 9:19 a.m. 9:19AM</p> <p>6 BY MR. PAK:</p> <p>7 Q Dr. K, I just introduced an exhibit marked</p> <p>8 as Exhibit 1. Let me know if you can see that.</p> <p>9 (Exhibit 1 was marked for identification.)</p> <p>10 THE WITNESS: Yes, I see it. Let me open 9:19AM</p> <p>11 it. Yes.</p> <p>12 BY MR. PAK:</p> <p>13 Q Is this a true and accurate copy of your</p> <p>14 February 11th declaration?</p> <p>15 A It is. 9:20AM</p> <p>16 Q Let's go to the last page.</p> <p>17 A Okay.</p> <p>18 Q Is that your signature at the end?</p> <p>19 A Yes, it is.</p> <p>20 Q The opinions set forth in this declaration 9:20AM</p> <p>21 are yours; correct?</p> <p>22 A Yes, they are.</p> <p>23 Q Now, I know you submitted a declaration in</p> <p>24 the Western District of Texas case, but to date this</p> <p>25 is the only declaration that you submitted in this 9:20AM</p> <p style="text-align: right;">Page 12</p>
<p>1 specific drafts or conversations with attorneys. 9:15AM</p> <p>2 THE WITNESS: Understood.</p> <p>3 It involved reading, rereading the</p> <p>4 patents, analyzing the claims, looking at some</p> <p>5 external references and also just putting my 9:16AM</p> <p>6 thoughts of my knowledge of the field in order, so</p> <p>7 it was kind of the usual way that one would do this.</p> <p>8 BY MR. PAK:</p> <p>9 Q When was the last time you read the '615</p> <p>10 or '033 patent? 9:16AM</p> <p>11 A The last time was yesterday in preparing for</p> <p>12 the deposition.</p> <p>13 Q Do you understand that Sonos's expert,</p> <p>14 Dr. Smith, also submitted a declaration on claim</p> <p>15 construction regarding the terms "playback queue" 9:16AM</p> <p>16 and "resource locator"?</p> <p>17 A I do, yes.</p> <p>18 MR. PAK: I would like to introduce an</p> <p>19 exhibit now, so just bear with me here.</p> <p>20 MR. HEFAZI: Dr. Kyriakakis, while he's 9:16AM</p> <p>21 doing that, if you could leave a little bit more</p> <p>22 time between the question and the answer just so I</p> <p>23 have time to object.</p> <p>24 THE WITNESS: Okay.</p> <p>25 (Discussion off the record.) 9:17AM</p> <p style="text-align: right;">Page 11</p>	<p>1 Northern District of California case; correct? 9:20AM</p> <p>2 A Yes, that's correct.</p> <p>3 Q Your declaration is as accurate and</p> <p>4 complete as you could reasonably make it; correct?</p> <p>5 A Yes. 9:20AM</p> <p>6 Q Let's walk through your declaration.</p> <p>7 Section 2, Paragraphs 8 through 13, those</p> <p>8 paragraphs set forth your qualifications as an</p> <p>9 expert; correct?</p> <p>10 A Correct. 9:21AM</p> <p>11 Q Section 3, Paragraphs 14 to 19 sets forth</p> <p>12 your understanding of various legal standards</p> <p>13 affiliated to claim construction; correct?</p> <p>14 A Correct.</p> <p>15 Q In reaching your opinions set forth in 9:21AM</p> <p>16 your declaration, did you apply the legal standards</p> <p>17 set forth in Section 3?</p> <p>18 A Yes, to the best of my ability, even though</p> <p>19 I'm not a lawyer.</p> <p>20 Q Section 4, Paragraphs 20 through 24 sets 9:21AM</p> <p>21 forth your general understanding of music queues or</p> <p>22 play queues; correct?</p> <p>23 A Yes.</p> <p>24 Q Are the terms "music queue" and "play</p> <p>25 queue" synonymous with the term "playback queue"? 9:21AM</p> <p style="text-align: right;">Page 13</p>

<p>1 A I believe so. I think they are used 9:21AM 2 interchangeably in the industry, yes. 3 Q Okay. Section 4, Paragraphs 25 through 29 4 sets forth your general understanding of internet 5 resources; correct? 9:21AM 6 A Yes. 7 Q Moving on to Section 5, Paragraphs 30 to 8 35, you provide an overview of the '615 and '033; 9 correct? 10 A Correct. 9:22AM 11 Q And according to Paragraph 30, the '615 12 and '033 patents share a common specification; 13 correct? 14 A Yes. 15 Q Moving on to Section 6, Paragraphs 36 to 9:22AM 16 40, those paragraphs set forth your opinion 17 regarding the level of ordinary skill in the art; 18 correct? 19 A Correct. 20 MR. HEFAZI: Dr. Kyriakakis, if you could 9:22AM 21 just take a couple of seconds before you answer so 22 that I can object if necessary. 23 THE WITNESS: Okay. 24 BY MR. PAK: 25 Q Section 7, Paragraphs 41 to 42 sets forth 9:22AM Page 14</p>	<p>1 and manage queues of music." Then you cite to 9:24AM 2 Exhibits B, C and D. 3 Do you see that? 4 A Yes. 5 Q Exhibit B is an excerpt of the Sony HDD 9:24AM 6 audio remote manual; correct? 7 A Correct. 8 Q Have you used the Sony HDD audio remote 9 before? 10 A I have, yes. A long time ago but yes, I 9:24AM 11 have used it. 12 Q When was the last time you used the Sony 13 HDD audio remote? 14 A Several years ago. I don't remember the 15 date. 9:24AM 16 Q Was it more than ten years ago? 17 A I don't think so. 18 Q Is it your opinion that the play queue 19 described in Sony's HDD audio remote manual reflects 20 how a person of ordinary skill in the art would 9:25AM 21 ordinarily or customarily understand the term 22 "playback queue"? 23 A Yes. 24 Q Exhibits C and D are articles that mention 25 Spotify's play queue; is that correct? 9:25AM Page 16</p>
<p>1 your understanding of the asserted claims and the 9:22AM 2 scope of your analysis; correct? 3 A Correct. 4 Q Section 8, Paragraphs 43 to 54 provide 5 your analysis regarding the term "playback queue"; 9:23AM 6 correct? 7 A Yes, that's right. 8 Q Paragraphs 55 to 72 provide your analysis 9 regarding the term "resource locator"; correct? 10 A Correct. 9:23AM 11 Q We just walked through your declaration. 12 Do you have any changes that you want to 13 make to this declaration? 14 A I think Nima is saying something, but we 15 can't hear him. 9:23AM 16 MR. HEFAZI: I was just going to say 17 objection, form. 18 THE WITNESS: I do not have any changes. 19 BY MR. PAK: 20 Q Let's look at Paragraph 20 of your 9:23AM 21 declaration. 22 A Okay. 23 Q Here you opine that "devices and 24 applications that streamed music (for example, Sonos 25 and Spotify) often permitted users to create, edit 9:24AM Page 15</p>	<p>1 A Correct. 9:25AM 2 Q Have you used the Spotify app before? 3 A Yes, I have. 4 Q When was the last time you used the 5 Spotify app? 9:25AM 6 A This morning. 7 Q When was the first time you used the 8 Spotify app? 9 A Again, it's many years, but I don't recall. 10 From the early days of Spotify I would say. 9:25AM 11 Q It's your opinion that Spotify's play 12 queue reflects how a person of ordinary skill in the 13 art would ordinarily or customarily understand the 14 term "playback queue"? 15 A Yes, it is. 9:26AM 16 Q Let's look at Paragraph 21 of your 17 declaration. 18 The first sentence here you opine that 19 "Sonos's products also included the ability for 20 users to create a music queue," and then you cite to 9:26AM 21 Exhibit E, which appears to be a 2011 version of the 22 "Sonos's Controller for Mac or PC Product Guide"; 23 correct? 24 A Yes, that's correct. 25 Q Have you used the Sonos controller for Mac 9:26AM Page 17</p>

<p>1 or PC before? 9:26AM</p> <p>2 A I did in the early days, again, when it came</p> <p>3 out. I didn't own it, but I had access to one and I</p> <p>4 had used it.</p> <p>5 Q Have you used a Sonos controller for Mac 9:26AM</p> <p>6 or PC in 2011?</p> <p>7 A Yes.</p> <p>8 Q Is it your opinion that Sonos's music</p> <p>9 queue described in the 2011 Sonos controller</p> <p>10 guide -- or controller for Mac or PC product guide 9:27AM</p> <p>11 reflects how a person of ordinary skill in the art</p> <p>12 would ordinarily or customarily understand the term</p> <p>13 "playback queue"?</p> <p>14 A Yes.</p> <p>15 Q Let's look at Paragraph 51 of your 9:27AM</p> <p>16 declaration.</p> <p>17 A I'm sorry, 51 you said?</p> <p>18 Q Yes, 51.</p> <p>19 Here you opine that other industry</p> <p>20 materials provide a similar description of a 9:27AM</p> <p>21 playback queue and then you cite the Exhibit F and</p> <p>22 Exhibit B.</p> <p>23 Do you see that?</p> <p>24 A Yes.</p> <p>25 Q Exhibit F is a copy of Windows Vista 9:27AM</p> <p style="text-align: right;">Page 18</p>	<p>1 materials cited in your declaration? 9:29AM</p> <p>2 A Not specifically for this purpose. I'm sure</p> <p>3 I have over the years, but not specifically for</p> <p>4 preparing for this.</p> <p>5 Q Are there any other materials that come to 9:29AM</p> <p>6 mind that describe a playback queue?</p> <p>7 A I don't have any specific ones to mention</p> <p>8 off the top of my head right now.</p> <p>9 Q Generally speaking, you have an</p> <p>10 understanding of what a term of art is; correct? 9:29AM</p> <p>11 A Yes.</p> <p>12 Q What is your understanding?</p> <p>13 A It's --</p> <p>14 MR. HEFAZI: Objection, calls for a legal</p> <p>15 conclusion. 9:30AM</p> <p>16 THE WITNESS: My understanding is that it</p> <p>17 is a term as it would be understood by a person of</p> <p>18 ordinary skill in the art.</p> <p>19 BY MR. PAK:</p> <p>20 Q Is "playlist" a term of art? 9:30AM</p> <p>21 A Yes.</p> <p>22 Q Before Google engaged you as an expert for</p> <p>23 this matter, did you have an understanding of what</p> <p>24 playlist means?</p> <p>25 A Yes, I did. 9:30AM</p> <p style="text-align: right;">Page 20</p>
<p>1 manual; correct? 9:27AM</p> <p>2 A It's not the manual. It's David Pogue's</p> <p>3 book that he called it "The Missing Manual." It's</p> <p>4 kind of a behind-the-scenes explanation of Windows</p> <p>5 Vista. 9:28AM</p> <p>6 Q Got it. Have you used Windows Vista</p> <p>7 before?</p> <p>8 A Yes, I have.</p> <p>9 Q Have you used Windows Media Center for</p> <p>10 Windows Vista before? 9:28AM</p> <p>11 A Yes, I have.</p> <p>12 Q When was the last time you used Windows</p> <p>13 Media Center for Windows Vista?</p> <p>14 A When it first came out, when Windows Vista</p> <p>15 first came out, I remember playing with it. But I 9:28AM</p> <p>16 don't remember -- I don't know the date of that.</p> <p>17 Q As indicated in Paragraph 51 of your</p> <p>18 declaration, it is your opinion that the music queue</p> <p>19 described in the Windows Vista document, Exhibit F,</p> <p>20 reflects how a person of ordinary skill in the art 9:28AM</p> <p>21 would ordinarily or customarily understand the term</p> <p>22 "playback queue"; correct?</p> <p>23 A Yes, that's correct.</p> <p>24 Q Have you looked at any other industry</p> <p>25 materials describing a playback queue other than the 9:29AM</p> <p style="text-align: right;">Page 19</p>	<p>1 Q What was that understanding? 9:30AM</p> <p>2 A That it is an ordered collection of songs --</p> <p>3 it could be other material, but I'm using songs as an</p> <p>4 example -- that a user puts together based on some</p> <p>5 criteria that they've decided, such as genre or an 9:30AM</p> <p>6 artist or other criteria.</p> <p>7 Q How are songs added to a playlist?</p> <p>8 A It --</p> <p>9 MR. HEFAZI: Objection to form.</p> <p>10 THE WITNESS: There is a delay, and that's 9:31AM</p> <p>11 why I'm --</p> <p>12 MR. HEFAZI: That's fine. Just take a</p> <p>13 pause and let the question finish.</p> <p>14 (Discussion off the record.)</p> <p>15 (Requested testimony read by the reporter.) 9:31AM</p> <p>16 MR. HEFAZI: Same objection.</p> <p>17 THE WITNESS: It depends a little bit on</p> <p>18 the service, I think. But in general, a user</p> <p>19 selects a song from either the music library or the</p> <p>20 larger collection of songs that somebody like 9:32AM</p> <p>21 Spotify would offer and drags it into a column that</p> <p>22 contains playlists or right clicks and adds it.</p> <p>23 BY MR. PAK:</p> <p>24 Q Does a user have to add the songs to a</p> <p>25 playlist or can the music service itself add -- 9:32AM</p> <p style="text-align: right;">Page 21</p>

<p>1 create its own playlist without the user adding 9:32AM</p> <p>2 songs to a playlist?</p> <p>3 A Yes, both of those are possible. It could</p> <p>4 be a premade playlist, it could be a collaborative</p> <p>5 playlist that multiple users contributed to or an 9:32AM</p> <p>6 individual user.</p> <p>7 Q So a user does not have to manually add</p> <p>8 songs to a playlist; correct?</p> <p>9 A It's just one option.</p> <p>10 Q How is a playlist stored? 9:32AM</p> <p>11 A Again, it depends a little bit on the</p> <p>12 situation. For a streaming music service, a playlist</p> <p>13 is stored as a list of uniform resource locators.</p> <p>14 If the songs are on your hard drive, then</p> <p>15 it's a list of other types of links to memory 9:33AM</p> <p>16 locations on your hard drive. So it depends on the</p> <p>17 situation.</p> <p>18 Q So is it your opinion that songs in a</p> <p>19 playlist don't have to be stored in its data form?</p> <p>20 MR. HEFAZI: Objection, vague and 9:33AM</p> <p>21 ambiguous.</p> <p>22 THE WITNESS: Can you explain what you</p> <p>23 mean by "data form"?</p> <p>24 BY MR. PAK:</p> <p>25 Q Yes. I don't know what the best way to 9:33AM</p> <p style="text-align: right;">Page 22</p>	<p>1 declaration. 9:35AM</p> <p>2 Here you opine that "a person of skill in</p> <p>3 the art would have understood that a playback queue</p> <p>4 is an ordered list of multimedia items that is</p> <p>5 selected by the user for playback." 9:35AM</p> <p>6 Do you see that?</p> <p>7 A Yes.</p> <p>8 Q What is a multimedia item?</p> <p>9 A In the context of what we're talking here</p> <p>10 today, it's a song, a video, a link to a song or 9:36AM</p> <p>11 video.</p> <p>12 It could also be multimedia as defined as</p> <p>13 other things like text as well, but I think we're</p> <p>14 talking about just songs and videos here.</p> <p>15 Q When you say "a link to a song or video," 9:36AM</p> <p>16 does that mean that a playback queue doesn't have to</p> <p>17 contain the actual song or video in its data form?</p> <p>18 A Yes, just as I answered it for playlist, I</p> <p>19 think that's right.</p> <p>20 Q Does an entire album amount to a 9:36AM</p> <p>21 multimedia item?</p> <p>22 MR. HEFAZI: Objection, vague.</p> <p>23 THE WITNESS: I think if you ask different</p> <p>24 people, they will give you a different answer. It</p> <p>25 could. 9:37AM</p> <p style="text-align: right;">Page 24</p>
<p>1 put this is. But if you have a playlist with two 9:33AM</p> <p>2 songs, and say they are MP3 files, each being</p> <p>3 7 megabytes long, does a playlist contain those</p> <p>4 songs in the MP3 file form, the 7-megabyte form, or</p> <p>5 is it stored in some other manner, like you said a 9:34AM</p> <p>6 URL, for example?</p> <p>7 MR. HEFAZI: Objection, vague,</p> <p>8 hypothetical.</p> <p>9 THE WITNESS: I think both of those are</p> <p>10 possible. 9:34AM</p> <p>11 BY MR. PAK:</p> <p>12 Q So it's possible that songs included in a</p> <p>13 playlist can be stored in either its data form, its</p> <p>14 MP3 file form, or as a resource locator or a URL</p> <p>15 form; correct? 9:34AM</p> <p>16 A Yes.</p> <p>17 Q Does a playlist have to have a plurality</p> <p>18 of multimedia items or songs?</p> <p>19 A Not necessarily. You can create a playlist</p> <p>20 and call it something and it may start empty and then 9:35AM</p> <p>21 you start putting songs in it.</p> <p>22 Q So is it your opinion that you can have a</p> <p>23 playlist that has only one song?</p> <p>24 A Yes.</p> <p>25 Q Let's look at Paragraph 47 of your 9:35AM</p> <p style="text-align: right;">Page 23</p>	<p>1 BY MR. PAK: 9:37AM</p> <p>2 Q Does a playlist amount to a multimedia</p> <p>3 item?</p> <p>4 MR. HEFAZI: Same objection, vague.</p> <p>5 THE WITNESS: It's the same answer as 9:37AM</p> <p>6 album. I would consider it the same, yes.</p> <p>7 BY MR. PAK:</p> <p>8 Q So depending on -- you know, depending on</p> <p>9 who you ask, you're saying a playlist could be a</p> <p>10 multimedia item or it might not be a multimedia 9:37AM</p> <p>11 item?</p> <p>12 A In my experience in the art, there are those</p> <p>13 that say that items are individual smaller parts. But</p> <p>14 I don't think there is a general definition of item.</p> <p>15 Q Does an internet radio station amount to a 9:38AM</p> <p>16 multimedia item?</p> <p>17 MR. HEFAZI: Objection, incomplete</p> <p>18 hypothetical.</p> <p>19 THE WITNESS: I would say that the</p> <p>20 internet radio station is serving multimedia items; 9:38AM</p> <p>21 but the station itself, I would say no.</p> <p>22 BY MR. PAK:</p> <p>23 Q Have you used Pandora before?</p> <p>24 A Yes, I have.</p> <p>25 Q Is it possible to add a Pandora radio 9:38AM</p> <p style="text-align: right;">Page 25</p>

<p>1 station to a playback queue? 9:38AM</p> <p>2 MR. HEFAZI: Objection, calls for</p> <p>3 speculation, incomplete hypothetical.</p> <p>4 THE WITNESS: My experience with playback</p> <p>5 queues has been with services that are not Pandora. 9:38AM</p> <p>6 So I don't know -- I don't believe they allow that</p> <p>7 in Spotify, for example, or Apple.</p> <p>8 BY MR. PAK:</p> <p>9 Q Okay. So does a playback queue contain</p> <p>10 each multimedia item -- I take that back, yes. Let 9:39AM</p> <p>11 me start over here.</p> <p>12 So your definition here, it says a person</p> <p>13 of ordinary skill in the art would have understood</p> <p>14 the term "playback queue" to mean "ordered list of</p> <p>15 multimedia items that is selected by the user for 9:39AM</p> <p>16 playback. "</p> <p>17 Who is the user in your construction for</p> <p>18 playback here?</p> <p>19 A The person that wants to experience the</p> <p>20 multimedia items. 9:39AM</p> <p>21 Q Can the multimedia items be -- let me</p> <p>22 start over here.</p> <p>23 Can the multimedia items in the ordered</p> <p>24 list be selected by a user other than the user who</p> <p>25 wants to experience the multimedia items? 9:40AM</p> <p style="text-align: right;">Page 26</p>	<p>1 answered. 9:41AM</p> <p>2 THE WITNESS: Yes. I also want to</p> <p>3 clarify, this is not my construction, this report is</p> <p>4 about the opinions about a construction that was</p> <p>5 presented to me. 9:41AM</p> <p>6 BY MR. PAK:</p> <p>7 Q Understood.</p> <p>8 What is a list in this proposed</p> <p>9 construction?</p> <p>10 MR. HEFAZI: Objection, vague. 9:42AM</p> <p>11 THE WITNESS: It's a sequence of -- it's</p> <p>12 an ordered list. So it's a sequence of items that</p> <p>13 have been given some order in which to appear.</p> <p>14 BY MR. PAK:</p> <p>15 Q Is a list a single data structure? 9:42AM</p> <p>16 A It can be. There are multiple ways to</p> <p>17 implement lists.</p> <p>18 Q Can a list be -- can a list comprise</p> <p>19 multiple data structures?</p> <p>20 A It can, although my computer science 9:42AM</p> <p>21 colleagues would probably call that an array or</p> <p>22 something else. But yes.</p> <p>23 Q So is it your opinion that a playback</p> <p>24 queue contains an ordered list of multimedia items</p> <p>25 in a single or multiple data structure set? 9:43AM</p> <p style="text-align: right;">Page 28</p>
<p>1 A Yes, that's -- as we said before, it could 9:40AM</p> <p>2 be by multiple users or by somebody who's curating the</p> <p>3 list.</p> <p>4 Q So the multimedia items in a playback</p> <p>5 queue does not have to be selected by the user who 9:40AM</p> <p>6 wants to experience multimedia items; correct?</p> <p>7 MR. HEFAZI: Objection, vague and</p> <p>8 ambiguous.</p> <p>9 THE WITNESS: I don't think we're</p> <p>10 construing the word "user" anywhere here. I think a 9:40AM</p> <p>11 user could be a user that wants to listen or create</p> <p>12 or both.</p> <p>13 BY MR. PAK:</p> <p>14 Q In your construction you used the term</p> <p>15 "the user" instead of "a user." 9:41AM</p> <p>16 Is there a particular reason why you use</p> <p>17 "the" instead of "a"?</p> <p>18 A I would say it's because of the word of</p> <p>19 "playback." I was looking at this from the point of</p> <p>20 view of a consumer of a playback queue. 9:41AM</p> <p>21 Q But is it your opinion that your</p> <p>22 construction for a playback queue doesn't limit the</p> <p>23 ordered list of multimedia items to be selected by a</p> <p>24 particular user; is that correct?</p> <p>25 MR. HEFAZI: Objection, asked and 9:41AM</p> <p style="text-align: right;">Page 27</p>	<p>1 A I didn't really look at this from the point 9:43AM</p> <p>2 of view of data structures, so I didn't opine on how</p> <p>3 it's stored, just on the term -- on the meaning of the</p> <p>4 term. I would have to think about that a little bit</p> <p>5 more if we're giving an opinion. 9:43AM</p> <p>6 Q Okay. Again, this construction here you</p> <p>7 propose that -- you say -- you did not propose, but</p> <p>8 you did opine that "a person of ordinary skill in</p> <p>9 the art would have understood that a playback queue</p> <p>10 is an ordered list of multimedia items that is 9:44AM</p> <p>11 selected by the user for playback."</p> <p>12 If it's not your proposed construction, is</p> <p>13 there something you would change?</p> <p>14 MR. HEFAZI: Objection, mischaracterizes</p> <p>15 testimony. 9:44AM</p> <p>16 THE WITNESS: I think the whole point of</p> <p>17 my declaration in this part is that I agree with</p> <p>18 this construction.</p> <p>19 BY MR. PAK:</p> <p>20 Q Okay. What is an ordered list? 9:44AM</p> <p>21 A I think that was my previous answer, but</p> <p>22 it's a list of items that have been given an order in</p> <p>23 which to appear.</p> <p>24 Q Do the multimedia items in the order list</p> <p>25 have to be arranged in a particular manner? 9:45AM</p> <p style="text-align: right;">Page 29</p>

<p>1 MR. HEFAZI: Objection, vague, 9:45AM</p> <p>2 hypothetical.</p> <p>3 THE WITNESS: In a particular --</p> <p>4 MR. HEFAZI: Calls for speculation.</p> <p>5 THE WITNESS: I'm not sure what you mean 9:45AM</p> <p>6 "in a particular manner."</p> <p>7 BY MR. PAK:</p> <p>8 Q Asked differently, does it matter how the</p> <p>9 multimedia items in a list are arranged to amount to</p> <p>10 an ordered list? 9:45AM</p> <p>11 MR. HEFAZI: Same objection.</p> <p>12 THE WITNESS: If by "arranged" you mean</p> <p>13 how they are presented to a user, then it matters.</p> <p>14 How they are stored is a different matter.</p> <p>15 But the ordered list is a list of items 9:45AM</p> <p>16 that needs to appear in the order that they were --</p> <p>17 that it was created.</p> <p>18 BY MR. PAK:</p> <p>19 Q If a user can modify the ordering of the</p> <p>20 multimedia in the playback queue, is that still an 9:46AM</p> <p>21 ordered list?</p> <p>22 A Yes. The very act of modifying the order</p> <p>23 implies that you're starting with an ordered list.</p> <p>24 Q What is the significance of the order</p> <p>25 requirement for a playback queue? 9:46AM</p> <p style="text-align: right;">Page 30</p>	<p>1 So I'm not sure how to answer that. It 9:48AM</p> <p>2 could be both ways. It could be or it could not be</p> <p>3 depending on how you look at it. I haven't thought</p> <p>4 of that before that way.</p> <p>5 Q Is it your opinion that if a user can 9:48AM</p> <p>6 shuffle songs in a playback queue, then that could</p> <p>7 amount to an order list?</p> <p>8 A Once the shuffle is completed, now we have</p> <p>9 an ordered list that's about to play. Presumably it's</p> <p>10 not continuously shuffling. 9:49AM</p> <p>11 So there is a shuffle that happens, but</p> <p>12 now there is a sequence of songs that's about to</p> <p>13 play, so that's an ordered list.</p> <p>14 Q Are there any differences between a</p> <p>15 playlist and a playback queue? 9:49AM</p> <p>16 A Yes. I would say that the -- there are</p> <p>17 similar -- I think the main difference is that a</p> <p>18 playlist can be saved for later use so that you can go</p> <p>19 through it in that same order again and again.</p> <p>20 But playback queue is more ephemeral and 9:49AM</p> <p>21 it's done, it's not normally saved. Once it goes</p> <p>22 through its queue and you have a sequence of songs,</p> <p>23 but you're not saving it. If you save it, I would</p> <p>24 say that you're creating a playlist.</p> <p>25 Q Are there any other instances? 9:49AM</p> <p style="text-align: right;">Page 32</p>
<p>1 MR. HEFAZI: Objection, vague and 9:46AM</p> <p>2 ambiguous.</p> <p>3 THE WITNESS: I guess it's part of the</p> <p>4 experience that the streaming service is trying to</p> <p>5 create. For example, when a DJ puts some songs on a 9:46AM</p> <p>6 radio station in a certain order, they have a</p> <p>7 particular artistic intent in that -- in the way</p> <p>8 that they put it together.</p> <p>9 So that is one reason for an ordered list.</p> <p>10 BY MR. PAK: 9:46AM</p> <p>11 Q If a user can shuffle songs in a playback</p> <p>12 queue, is that still an ordered list?</p> <p>13 A Your definition of "shuffle" is to move them</p> <p>14 around or --</p> <p>15 Q Yes, move them around randomly. 9:47AM</p> <p>16 A So it starts as an ordered list and then</p> <p>17 it's randomized, is that --</p> <p>18 Q Do you know what shuffle mode is?</p> <p>19 A Yes. Okay. You mean -- okay.</p> <p>20 That's kind of a tricky one because it is 9:47AM</p> <p>21 an ordered list that still appears in that form to</p> <p>22 the user. In other words, when you put it in</p> <p>23 shuffle mode, it doesn't necessarily change the</p> <p>24 order that it appears, it just changes the order</p> <p>25 that they play in. 9:48AM</p> <p style="text-align: right;">Page 31</p>	<p>1 MR. HEFAZI: Objection, vague and 9:49AM</p> <p>2 ambiguous, calls for speculation.</p> <p>3 THE WITNESS: I cannot think of any other</p> <p>4 differences, no.</p> <p>5 BY MR. PAK: 9:50AM</p> <p>6 Q Can a playback queue include a playlist?</p> <p>7 A I have not seen it implemented that way, but</p> <p>8 I don't know of a technical reason that it cannot.</p> <p>9 MR. HEFAZI: Late objection, sorry. Late</p> <p>10 objection, vague and ambiguous and calls for 9:50AM</p> <p>11 speculation.</p> <p>12 BY MR. PAK:</p> <p>13 Q Can a playlist include a playback queue?</p> <p>14 MR. HEFAZI: Same objection.</p> <p>15 THE WITNESS: I have not seen it 9:50AM</p> <p>16 implemented that way, no.</p> <p>17 BY MR. PAK:</p> <p>18 Q I'll introduce another exhibit here. Bear</p> <p>19 with me.</p> <p>20 (Exhibit 2 was marked for identification.) 9:50AM</p> <p>21 BY MR. PAK:</p> <p>22 Q Let me know if you can see it. I just</p> <p>23 marked it as Exhibit 2.</p> <p>24 A Yes.</p> <p>25 Q You recognize this document; right? 9:51AM</p> <p style="text-align: right;">Page 33</p>

<p>1 A Yes, it's the '615 patent. 9:51AM</p> <p>2 Q Let's go to Page 27. I want to look at</p> <p>3 Claim 13.</p> <p>4 A Okay.</p> <p>5 Q In Column 20 do you see Limitation A? 9:51AM</p> <p>6 A I do.</p> <p>7 Q Limitation A recites in part, "causing one</p> <p>8 or more first cloud servers to add multimedia</p> <p>9 content to a local playback queue on the particular</p> <p>10 playback device." 9:52AM</p> <p>11 Do you see that?</p> <p>12 A Yes.</p> <p>13 Q Does this claim limitation require causing</p> <p>14 one or more first cloud servers to add multimedia</p> <p>15 content to an existing local playback queue or a new 9:52AM</p> <p>16 local playback queue?</p> <p>17 MR. HEFAZI: Objection, outside the scope.</p> <p>18 THE WITNESS: I don't see -- I don't think</p> <p>19 it speaks to that. Whether it's existing or not,</p> <p>20 it's a local playback queue. I don't think it says 9:52AM</p> <p>21 either way.</p> <p>22 BY MR. PAK:</p> <p>23 Q So is it your opinion that this claim</p> <p>24 limitation does not require adding multimedia</p> <p>25 content to an existing local playback queue? 9:53AM</p> <p style="text-align: right;">Page 34</p>	<p>1 So you said before a playlist does not 9:55AM</p> <p>2 have to be created by a user; correct?</p> <p>3 MR. HEFAZI: Objection, vague and</p> <p>4 ambiguous, calls for speculation.</p> <p>5 THE WITNESS: I think what we said is a 9:55AM</p> <p>6 playlist has to be created by someone. Whether it's</p> <p>7 the user that's going to listen to it or not is not</p> <p>8 required.</p> <p>9 BY MR. PAK:</p> <p>10 Q A playlist can be automatically created; 9:55AM</p> <p>11 correct?</p> <p>12 A Yes.</p> <p>13 Q Do you see the enumerated instructions on</p> <p>14 how to play tracks in a playlist?</p> <p>15 A The instructions below? 9:56AM</p> <p>16 Q Yes.</p> <p>17 A Yes.</p> <p>18 Q Number 3 says, "Tap a track. Playback</p> <p>19 starts."</p> <p>20 Do you see that? 9:56AM</p> <p>21 A Yes.</p> <p>22 Q When a user taps a track in a playlist to</p> <p>23 start playback of that track, does that track get</p> <p>24 added to the playback queue?</p> <p>25 A It can. I think it depends on the 9:56AM</p> <p style="text-align: right;">Page 36</p>
<p>1 MR. HEFAZI: Objection, outside the scope 9:53AM</p> <p>2 of the report, calls for speculation.</p> <p>3 THE WITNESS: It's my opinion that it does</p> <p>4 not specify. It just says, "a local playback</p> <p>5 queue." It doesn't say anything about existing or 9:53AM</p> <p>6 new.</p> <p>7 MR. PAK: Just give me one more second to</p> <p>8 introduce a new exhibit here.</p> <p>9 (Exhibit 3 was marked for identification.)</p> <p>10 BY MR. PAK: 10:33AM</p> <p>11 Q I just marked a new exhibit as Exhibit 3.</p> <p>12 Let me know if you can see it.</p> <p>13 A Yes, I see it.</p> <p>14 Q Do you recognize this document?</p> <p>15 A Yes, it's the Sony HDD manual. 9:54AM</p> <p>16 Q Would you please read the first two</p> <p>17 sentences?</p> <p>18 A "The HDD audio player automatically creates</p> <p>19 playlists such as a list of newly transferred tracks</p> <p>20 and a list of frequently played tracks. You can also 9:54AM</p> <p>21 play playlists you have created with your favorite</p> <p>22 tracks."</p> <p>23 Q So as you said before, a playlist does not</p> <p>24 have to be created by a user -- let me scratch that</p> <p>25 one. 9:55AM</p> <p style="text-align: right;">Page 35</p>	<p>1 implementation or the situation. So it's possible but 9:56AM</p> <p>2 not required.</p> <p>3 Q Right. But for the Sony HDD audio remote,</p> <p>4 when a user taps a track and playback starts, does</p> <p>5 that track get added to a play queue? 9:56AM</p> <p>6 A Yes, I believe it does.</p> <p>7 MR. PAK: We've been going almost an hour.</p> <p>8 How about we take a break here, short break, maybe</p> <p>9 ten minutes.</p> <p>10 THE WITNESS: Okay. 9:57AM</p> <p>11 MR. PAK: So let's come back at -- I'm on</p> <p>12 central time.</p> <p>13 MR. HEFAZI: How about 10:10 Pacific?</p> <p>14 MR. PAK: That sounds good. Thanks.</p> <p>15 VIDEOGRAPHER: This marks the end of Media 9:57AM</p> <p>16 Number 1. Going off the record at 9:57 a.m.</p> <p>17 (Recess taken.)</p> <p>18 VIDEOGRAPHER: This marks the beginning of</p> <p>19 Media Number 2. Going back on the record at</p> <p>20 10:12 a.m. 10:11AM</p> <p>21 BY MR. PAK:</p> <p>22 Q Dr. K, I would like to introduce a new</p> <p>23 exhibit here marked as Exhibit 4. Let me know if</p> <p>24 you see it.</p> <p>25 (Exhibit 4 was marked for identification.) 10:12AM</p> <p style="text-align: right;">Page 37</p>

<p>1 THE WITNESS: Yes. 10:12AM</p> <p>2 BY MR. PAK:</p> <p>3 Q You recognize this document; correct?</p> <p>4 A Yes.</p> <p>5 Q In this exhibit there is an annotated UI 10:12AM</p> <p>6 screen that shows a play queue.</p> <p>7 Do you see that?</p> <p>8 A I do.</p> <p>9 Q What does the box labeled as 1 represent?</p> <p>10 A It is a handle that you can click on to be 10:12AM</p> <p>11 able to move tracks up and down.</p> <p>12 Q What does the box labeled as Number 2</p> <p>13 represent?</p> <p>14 A It represents the play queue, the order of</p> <p>15 the tracks. 10:13AM</p> <p>16 Q Do you see the green indicator next to the</p> <p>17 track entitled "All Over the World" in the queued</p> <p>18 tracks list?</p> <p>19 A Yes.</p> <p>20 Q What does that green indicator indicate? 10:13AM</p> <p>21 A It depends on the -- in this particular</p> <p>22 case, I believe it indicates that that's the track to</p> <p>23 be played when you click on it. So in some of these,</p> <p>24 when it has the arrow, it means it's not playing, but</p> <p>25 when you click it, it starts playing. 10:13AM</p> <p style="text-align: right;">Page 38</p>	<p>1 MR. HEFAZI: Objection, vague and 10:15AM</p> <p>2 ambiguous.</p> <p>3 THE WITNESS: I believe it's the queue,</p> <p>4 the play queue.</p> <p>5 BY MR. PAK: 10:16AM</p> <p>6 Q On top it says, "Albums, Gift Songs," it</p> <p>7 doesn't say play queue. So could it be tracks in an</p> <p>8 album?</p> <p>9 A It could, but if that album was selected,</p> <p>10 then its tracks could be in the play queue; right? 10:16AM</p> <p>11 Q Let's go back to the previous exhibit,</p> <p>12 Exhibit 4. You see the UI screen there that shows</p> <p>13 the play queue?</p> <p>14 A Yes.</p> <p>15 Q And that's -- the screen in Exhibit 4, do 10:16AM</p> <p>16 you see that there is a play queue at the top of the</p> <p>17 screen?</p> <p>18 A Yes.</p> <p>19 Q Okay. Now let's go back to Exhibit 5.</p> <p>20 Do you see that same play queue header at 10:16AM</p> <p>21 the top of the screen on the left side of the UI</p> <p>22 screen?</p> <p>23 A No, I don't.</p> <p>24 Q Okay. So is the UI screen shown on the</p> <p>25 left side in Exhibit 5, is that a play queue? 10:17AM</p> <p style="text-align: right;">Page 40</p>
<p>1 But it could also indicate that it's the 10:14AM</p> <p>2 current playing track.</p> <p>3 Q Does a playback queue have to include the</p> <p>4 currently playing track?</p> <p>5 A I guess there is no technical requirement 10:14AM</p> <p>6 for that. But I believe that everybody that</p> <p>7 implements playback queues puts the currently playing</p> <p>8 track in it.</p> <p>9 Q So in the Sony HDD audio remote, the</p> <p>10 currently playing track is included in the playback 10:14AM</p> <p>11 queue; correct?</p> <p>12 A Yes.</p> <p>13 MR. PAK: I would like to introduce a new</p> <p>14 exhibit here. I'll mark it as Exhibit 5.</p> <p>15 (Exhibit 5 was marked for identification.) 10:14AM</p> <p>16 BY MR. PAK:</p> <p>17 Q Let me know if you see it.</p> <p>18 A Not yet. There it is.</p> <p>19 Q Do you recognize this document?</p> <p>20 A Yes. 10:15AM</p> <p>21 Q Do you see the UI screens below the</p> <p>22 section that says, "Using the context menu"?</p> <p>23 A I do, yes.</p> <p>24 Q What does the first UI screen on the left</p> <p>25 illustrate? 10:15AM</p> <p style="text-align: right;">Page 39</p>	<p>1 MR. HEFAZI: Objection, vague and 10:17AM</p> <p>2 ambiguous, incomplete hypothetical.</p> <p>3 THE WITNESS: Based on what we've said</p> <p>4 before, the Sony and other players put songs that</p> <p>5 are being selected for play into the play queue. 10:17AM</p> <p>6 It looks like this is the list of songs in</p> <p>7 that album, but then as shown in the screen on the</p> <p>8 right, you can -- I think this is to show that you</p> <p>9 can add things to your queue list.</p> <p>10 And the intent of this menu is to show 10:17AM</p> <p>11 that you can add things to your playlist. So I</p> <p>12 guess I would have to revise my answer. The left is</p> <p>13 not the same play queue -- not the actual play</p> <p>14 queue.</p> <p>15 BY MR. PAK: 10:17AM</p> <p>16 Q Can you -- could you please read what the</p> <p>17 manual says below the UI screens?</p> <p>18 A "Tap and hold an item in a list to display</p> <p>19 the context menu (1) for the selected item.</p> <p>20 "You can add the selected item to the play 10:18AM</p> <p>21 queue, edit the track information, et cetera.</p> <p>22 Context menus differ depending on the item selected</p> <p>23 from the list."</p> <p>24 Q Does this mean that a user can add an</p> <p>25 individual track to a playback queue? 10:18AM</p> <p style="text-align: right;">Page 41</p>

<p>1 A Yes. 10:18AM</p> <p>2 Q Does a playback queue have to have a</p> <p>3 plurality of multimedia items?</p> <p>4 A I don't think that there's any requirement</p> <p>5 for the number of items in the playback queue. 10:18AM</p> <p>6 Q So is it your opinion that the playback</p> <p>7 queue can include a single individual multimedia</p> <p>8 item?</p> <p>9 A It could. It would not be a very exciting</p> <p>10 queue, but it could. 10:19AM</p> <p>11 MR. PAK: I would like to introduce a new</p> <p>12 exhibit here. I'll mark it as Exhibit 6.</p> <p>13 (Exhibit 6 was marked for identification.)</p> <p>14 BY MR. PAK:</p> <p>15 Q Let me know when you see it. 10:19AM</p> <p>16 A Yes, I see it.</p> <p>17 Q Do you recognize this document?</p> <p>18 A Yes, it's the same manual, HDD -- Sony HDD</p> <p>19 manual.</p> <p>20 Q Do you see where it says that you can 10:19AM</p> <p>21 select one from the following playback modes?</p> <p>22 A Yes.</p> <p>23 Q Do you see that there are four different</p> <p>24 playback modes for shuffle play?</p> <p>25 A Yes. 10:20AM</p> <p style="text-align: right;">Page 42</p>	<p>1 again, how is it possible to shuffle multiple albums 10:21AM</p> <p>2 in a playback queue in random order without changing</p> <p>3 the order of the individual tracks in each album?</p> <p>4 A The album itself is identified as an item</p> <p>5 and it has subitems in it, I guess they are called the 10:22AM</p> <p>6 tracks. I think that's what you're asking. So what</p> <p>7 is being shuffled is the album title.</p> <p>8 Once that is ordered to play, then the</p> <p>9 tracks play in order in that album.</p> <p>10 Q So in that scenario, is an album a 10:22AM</p> <p>11 multimedia album?</p> <p>12 MR. HEFAZI: Objection, vague and</p> <p>13 ambiguous.</p> <p>14 THE WITNESS: I think we talked about this</p> <p>15 before. It kind of depends on who you ask. It can 10:22AM</p> <p>16 be, yes.</p> <p>17 BY MR. PAK:</p> <p>18 Q I would like to introduce another exhibit</p> <p>19 here. I will mark it as Exhibit 7. Let me know</p> <p>20 when you see it. 10:23AM</p> <p>21 (Exhibit 7 was marked for identification.)</p> <p>22 THE WITNESS: One second. Yes.</p> <p>23 BY MR. PAK:</p> <p>24 Q Do you recognize this document?</p> <p>25 A Yes, it's from the same manual, from Sony. 10:23AM</p> <p style="text-align: right;">Page 44</p>
<p>1 Q What is the third playback mode described 10:20AM</p> <p>2 here?</p> <p>3 A "Shuffle: Albums. Plays albums in play</p> <p>4 queue in random order. The order of tracks in each</p> <p>5 album does not change." 10:20AM</p> <p>6 Q And in this third playback mode, would a</p> <p>7 playback queue still be an ordered list?</p> <p>8 A A playback -- well, the order of tracks in</p> <p>9 the album doesn't change, so that's an ordered list,</p> <p>10 right? Yes. 10:20AM</p> <p>11 Q It looks like there is a second playback</p> <p>12 mode described here. It says, "Shuffle: Tracks,</p> <p>13 plays tracks in play queue in random order."</p> <p>14 Do you see that?</p> <p>15 A Yes. 10:21AM</p> <p>16 Q In the second playback mode, is a playback</p> <p>17 queue an ordered list?</p> <p>18 MR. HEFAZI: Objection, asked and</p> <p>19 answered.</p> <p>20 THE WITNESS: The playback queue is an 10:21AM</p> <p>21 ordered list, yes. The tracks are playing in random</p> <p>22 order but the queue is an ordered list.</p> <p>23 BY MR. PAK:</p> <p>24 Q Okay. With respect to the third playback</p> <p>25 mode here, we are talking about shuffle albums 10:21AM</p> <p style="text-align: right;">Page 43</p>	<p>1 Q Do you know what the TuneIn music service 10:23AM</p> <p>2 is?</p> <p>3 A Yes, I do.</p> <p>4 Q Have you ever used TuneIn?</p> <p>5 A Yes. 10:23AM</p> <p>6 Q Okay. In this document, there is some</p> <p>7 instructions here. It says, "The TuneIn music</p> <p>8 services may not be available depending on your</p> <p>9 country or region."</p> <p>10 It says 1, 2, 3. One says, "Tap (Music 10:24AM</p> <p>11 Services) on the home screen.</p> <p>12 Two, "Tap (TuneIn)," then "select station</p> <p>13 or show."</p> <p>14 And 3, "Tap the items you like" to -- I'm</p> <p>15 sorry, 3 says, "Tap the items you like and keep 10:24AM</p> <p>16 selecting the item following the instructions that</p> <p>17 appear on the display. The radio station or show</p> <p>18 streaming screen appears and streaming starts."</p> <p>19 Do you see that?</p> <p>20 A I do. 10:24AM</p> <p>21 Q So in the Sony HDD audio remote, when the</p> <p>22 internet radio station is selected, such as a TuneIn</p> <p>23 radio station, does that radio station get added to</p> <p>24 the playback queue?</p> <p>25 MR. HEFAZI: Objection, vague and 10:25AM</p> <p style="text-align: right;">Page 45</p>

<p>1 ambiguous, calls for speculation. 10:25AM</p> <p>2 THE WITNESS: When I used this device, I</p> <p>3 did not try it with -- it was some years ago, I was</p> <p>4 only playing songs, not radio stations, so I can't</p> <p>5 say for sure. 10:25AM</p> <p>6 BY MR. PAK:</p> <p>7 Q And the Sony HDD audio remote, the</p> <p>8 playback queue includes the currently playing</p> <p>9 multimedia item; correct?</p> <p>10 A In the menus that we saw of the screenshots, 10:25AM</p> <p>11 they were not showing radio stations. I don't know if</p> <p>12 that means that they are excluded or not.</p> <p>13 But it's playing -- the screens that we</p> <p>14 saw showed songs or albums, but I don't think they</p> <p>15 speak to radio stations in those screens at least. 10:25AM</p> <p>16 Q Okay. But in the Sony HDD audio remote,</p> <p>17 the playback queue contains the currently playing</p> <p>18 track; correct?</p> <p>19 A Correct.</p> <p>20 Q So when a user taps a TuneIn internet 10:26AM</p> <p>21 radio station to stream that internet radio station,</p> <p>22 you're not sure why they're not -- that track is</p> <p>23 added -- that radio station gets added to the</p> <p>24 playback queue; is that your opinion?</p> <p>25 A It is. The reason for that is this is a 10:26AM</p> <p style="text-align: right;">Page 46</p>	<p>1 A Yes. 10:28AM</p> <p>2 Q Let's go to Page 699.</p> <p>3 A "Search the Library," that one?</p> <p>4 Q Yes. I would like to focus on the section</p> <p>5 that says, "Playlists." 10:28AM</p> <p>6 A Okay.</p> <p>7 Q Can you read the first two paragraphs for</p> <p>8 the record?</p> <p>9 A "A playlist is a set of songs that you've</p> <p>10 handpicked and hand-sequenced. They might have 10:28AM</p> <p>11 originated on a whole bunch of different CDs, but you</p> <p>12 think they will go well together. You can read more</p> <p>13 about playlists in the media player chapter (Page 473)</p> <p>14 because guess what? Windows Vista is smart enough to</p> <p>15 make the same playlist show up in both programs. Any 10:29AM</p> <p>16 playlist you create in Media Player appear in Media</p> <p>17 Center, and vice versa.</p> <p>18 "Auto Playlists are self-building,</p> <p>19 self-updating lists of songs that change as you</p> <p>20 listen, download and change ratings. These, too, 10:29AM</p> <p>21 are described in Chapter 14 but unlike Media Player,</p> <p>22 Media Center comes prestocked with Auto Playlists.</p> <p>23 Here you'll find playlists of music you listen to</p> <p>24 the most, music you've listened to in the last</p> <p>25 month, music rated at four or five stars. As your 10:29AM</p> <p style="text-align: right;">Page 48</p>
<p>1 different kind of media. It's coming from a streaming 10:26AM</p> <p>2 service -- a streaming radio service and typically</p> <p>3 it's a different application.</p> <p>4 It's a third-party application, not part</p> <p>5 of the music player application that would be 10:26AM</p> <p>6 embedded into a player like the Sony or the iPad.</p> <p>7 MR. PAK: Okay. I would like to introduce</p> <p>8 a new exhibit here. Just bear with me. This one is</p> <p>9 a large document. It's taking a long time to load.</p> <p>10 (Exhibit 8 was marked for identification.) 10:27AM</p> <p>11 MR. PAK: I just marked this exhibit as</p> <p>12 Exhibit 8.</p> <p>13 Q Let me know when you see it on your</p> <p>14 screen.</p> <p>15 A I'm downloading it now. 10:27AM</p> <p>16 VIDEOGRAPHER: Counsel, I think</p> <p>17 Mr. Hefazi's connection is off.</p> <p>18 Counsel, can you hear?</p> <p>19 MR. HEFAZI: I think I went out. I'm back</p> <p>20 now. Can you hear me? 10:28AM</p> <p>21 VIDEOGRAPHER: Yes.</p> <p>22 THE WITNESS: Okay. I have Exhibit 8,</p> <p>23 which is Exhibit F.</p> <p>24 BY MR. PAK:</p> <p>25 Q You recognize this document; right? 10:28AM</p> <p style="text-align: right;">Page 47</p>	<p>1 preferences and playback habits change, so do the 10:29AM</p> <p>2 items in the playlist."</p> <p>3 Q So this section here discloses that there</p> <p>4 are two types of playlists; correct?</p> <p>5 A Correct. 10:29AM</p> <p>6 Q One type of playlist is a playlist that's</p> <p>7 created manually by a user; correct?</p> <p>8 A Correct.</p> <p>9 Q Another type of playlist is an auto</p> <p>10 playlist that is created without a user selecting 10:30AM</p> <p>11 songs for the playlist; correct?</p> <p>12 A Correct.</p> <p>13 Q Let's look at the fourth paragraph in the</p> <p>14 section. It says, "Click Play to play a highlighted</p> <p>15 playlist immediately, or click Add to Queue to play 10:30AM</p> <p>16 after whatever's currently playing."</p> <p>17 Do you see that?</p> <p>18 A Yes.</p> <p>19 Q So this disclosure here is saying that a</p> <p>20 user can add an entire playlist to a playback queue; 10:30AM</p> <p>21 correct?</p> <p>22 A Yes.</p> <p>23 Q And the user can add the entire playlist</p> <p>24 to a playback queue without having to individually</p> <p>25 add each song in the playlist to the playback queue; 10:30AM</p> <p style="text-align: right;">Page 49</p>

<p>1 correct? 10:30AM</p> <p>2 A Yes. That's how Vista Windows has</p> <p>3 implemented it, yes.</p> <p>4 Q Going back to Paragraph 47 of your</p> <p>5 declaration, which is Exhibit 1. 10:31AM</p> <p>6 A Sorry, I have a lot of documents open.</p> <p>7 Q You say that "a playback queue is an</p> <p>8 ordered list of multimedia items that is selected by</p> <p>9 the user for playback."</p> <p>10 Does that mean that the user has to 10:31AM</p> <p>11 manually select each multimedia item in the ordered</p> <p>12 list?</p> <p>13 A No.</p> <p>14 Q Okay. Let's go back to Exhibit 8. Let's</p> <p>15 go to PDF Page 700. 10:32AM</p> <p>16 Do you see the section about creating a</p> <p>17 queue?</p> <p>18 A Yes.</p> <p>19 Q There are three bullets here. The first</p> <p>20 bullet says, "An album at a time," "a song at a 10:32AM</p> <p>21 time" and "a playlist at a time."</p> <p>22 Right above it, it says, "You can add</p> <p>23 music to your Media Center queue in any of three</p> <p>24 chunks," as I just described here; correct?</p> <p>25 A Correct. 10:32AM</p> <p style="text-align: right;">Page 50</p>	<p>1 Q So you could be the first one at the DMV; 10:34AM</p> <p>2 correct?</p> <p>3 A Correct. Well, if you're the first one,</p> <p>4 it's not empty anymore. It was empty.</p> <p>5 Q Does this mean that a playback queue can 10:34AM</p> <p>6 be empty as well?</p> <p>7 A It can. As I said before, it's not a very</p> <p>8 interesting queue until you add something to it. But</p> <p>9 the notion is that there is a queue that existed and</p> <p>10 it's about to be filled, yes, sure. 10:34AM</p> <p>11 Q Let's go to the next page, PDF Page 701.</p> <p>12 A Okay.</p> <p>13 Q Do you see where the manual says, "Empty</p> <p>14 the queue"?</p> <p>15 A I do. 10:34AM</p> <p>16 Q So again, this confirms that a queue can</p> <p>17 be emptied; correct?</p> <p>18 A Yes.</p> <p>19 MR. PAK: I want to introduce a new</p> <p>20 exhibit here. Give me one second to load it. 10:35AM</p> <p>21 (Exhibit 9 was marked for identification.)</p> <p>22 BY MR. PAK:</p> <p>23 Q I just marked the exhibit as Exhibit 9.</p> <p>24 Let me know when you see that.</p> <p>25 A I see it. 10:36AM</p> <p style="text-align: right;">Page 52</p>
<p>1 Q So this disclosure here is saying that a 10:32AM</p> <p>2 user can add an entire queue without manually</p> <p>3 selecting each track in the playlist; correct?</p> <p>4 A Yes. I believe we said that earlier as</p> <p>5 well. 10:32AM</p> <p>6 Q Likewise, a user can add an entire album</p> <p>7 to a playback queue without manually selecting each</p> <p>8 track in the album; correct?</p> <p>9 A Correct.</p> <p>10 Q And like we said earlier, a playback queue 10:33AM</p> <p>11 can contain a single song selected by a user;</p> <p>12 correct?</p> <p>13 A Contain a single song in general, whether</p> <p>14 it's automatically selected or not by a user, yes.</p> <p>15 Q Let's look at the section where it says, 10:33AM</p> <p>16 "The Music Queue."</p> <p>17 Do you see that?</p> <p>18 A Yes.</p> <p>19 Q It says, "A queue is a waiting line," and</p> <p>20 then the manual analogizes a queue to a line at the 10:33AM</p> <p>21 DMV.</p> <p>22 Do you see that?</p> <p>23 A Yes.</p> <p>24 Q A line at the DMV can be empty; correct?</p> <p>25 A Correct. 10:34AM</p> <p style="text-align: right;">Page 51</p>	<p>1 Q You recognize this document; correct? 10:36AM</p> <p>2 A Yes. Exhibit E from my declaration.</p> <p>3 Q Let's go to PDF Page 44. Can you read the</p> <p>4 last sentence under "What is a music queue?"</p> <p>5 A "When you add selections to a queue, you can 10:36AM</p> <p>6 choose to play them now, play them next, add them to</p> <p>7 the end of the queue, or play them now and clear the</p> <p>8 queue of previous music selections."</p> <p>9 Q So this section of the Sonos controller</p> <p>10 guide describes how a user can add something to a 10:36AM</p> <p>11 music queue; correct?</p> <p>12 A Correct. Well, I should clarify. It says</p> <p>13 what happens when you add it. I'm not sure it</p> <p>14 describes the mechanism in this paragraph. But yes.</p> <p>15 Q When it says that a user can clear the 10:36AM</p> <p>16 queue of previous music selection, does that mean --</p> <p>17 does that mean the playback queue can be empty?</p> <p>18 A Play them now and clear the queue,</p> <p>19 previous -- it means that the queue can be empty, I'm</p> <p>20 not sure the sentence is addressing that. 10:37AM</p> <p>21 I think that last part of the sentence is</p> <p>22 talking about adding new items to the queue and</p> <p>23 deleting the previous ones is how I read it.</p> <p>24 Q What do you think it means when the manual</p> <p>25 says "clear the queue of previous music selections"? 10:37AM</p> <p style="text-align: right;">Page 53</p>

<p>1 A It means there was a list of selections in 10:37AM</p> <p>2 the queue and they are being cleared by the user.</p> <p>3 But it's part of the "when you add</p> <p>4 selections to the queue," so when you add</p> <p>5 selections, you can clear the previous ones. That's 10:38AM</p> <p>6 how I read that sentence.</p> <p>7 Q Okay. So if there are two songs in a</p> <p>8 playback queue and a user clears one of the songs in</p> <p>9 the playback queue, there will be one song in the</p> <p>10 playback queue; correct? 10:38AM</p> <p>11 A Correct.</p> <p>12 Q What if there was only one song in the</p> <p>13 playback queue and the user clears that song in the</p> <p>14 playback queue, would there still be a playback</p> <p>15 queue? 10:38AM</p> <p>16 A There would, it just wouldn't have any songs</p> <p>17 at the moment in it.</p> <p>18 Q It would just be empty; right?</p> <p>19 A Yes.</p> <p>20 Q Let's go to PDF Page 66. It says, 10:38AM</p> <p>21 "Napster Automix."</p> <p>22 A Yes.</p> <p>23 Q Are you familiar with the Napster music</p> <p>24 service?</p> <p>25 A Are you trying to get me into legal trouble? 10:39AM</p> <p style="text-align: right;">Page 54</p>	<p>1 Is it your understanding that Napster 10:40AM</p> <p>2 Automix is a type of playlist created based on a</p> <p>3 user's selection of either an artist or an</p> <p>4 individual track?</p> <p>5 A Yes. 10:40AM</p> <p>6 Q The instructions above it starting with</p> <p>7 Number 1, it says, "From the Music Services tab,</p> <p>8 search for a Napster artist that you would like to</p> <p>9 listen to."</p> <p>10 Number 2, "Select Artist Automix." 10:41AM</p> <p>11 Number 3, it says, "Right-click and select</p> <p>12 one of the following:</p> <p>13 "Play now.</p> <p>14 "Add to Queue to add it to the end of your</p> <p>15 music queue," or 10:41AM</p> <p>16 "Play Now and Replace Queue."</p> <p>17 Do you see that?</p> <p>18 A I do.</p> <p>19 Q So the Sonos controller guide here teaches</p> <p>20 that entire playlist containing a plurality of 10:41AM</p> <p>21 tracks can be added to a playback queue without the</p> <p>22 user manually selecting each track in the playlist;</p> <p>23 correct?</p> <p>24 A Yes.</p> <p>25 Q And below that there is a section on 10:41AM</p> <p style="text-align: right;">Page 56</p>
<p>1 Sorry. 10:39AM</p> <p>2 Yes, I am.</p> <p>3 Q Please read the first two sentences there.</p> <p>4 A "You can create an instant playlist based on</p> <p>5 an artist or a track selection. Napster will select 10:39AM</p> <p>6 40 similar tracks based on your selection and add the</p> <p>7 tracks to your music queue."</p> <p>8 Q There's some instructions here. On</p> <p>9 Number 4, it says, "To create an automix for a</p> <p>10 track - select a track, right-click, and select 10:39AM</p> <p>11 Create Automix."</p> <p>12 Do you see that?</p> <p>13 A Yes.</p> <p>14 Q So is it your understanding that Napster's</p> <p>15 Automix is a type of playlist created based on a 10:40AM</p> <p>16 user's selection of either an artist or individual</p> <p>17 track?</p> <p>18 MR. HEFAZI: Objection, vague.</p> <p>19 THE WITNESS: It's an automatically</p> <p>20 created mix. I don't know the criteria that they 10:40AM</p> <p>21 use. I don't think they are listed here.</p> <p>22 The ones you mentioned could be part of</p> <p>23 them. I guess it says it on the first line, so yes.</p> <p>24 BY MR. PAK:</p> <p>25 Q Okay. Let me ask that again then. 10:40AM</p> <p style="text-align: right;">Page 55</p>	<p>1 Napster Radio. 10:41AM</p> <p>2 Do you see that?</p> <p>3 A I do.</p> <p>4 Q Do you know what Napster Radio is?</p> <p>5 A I have a good idea. I don't know 10:42AM</p> <p>6 specifically Napster Radio, but I suspect it's similar</p> <p>7 to other internet radio.</p> <p>8 Q So it's an internet radio station;</p> <p>9 correct?</p> <p>10 A I believe so. I've never used it, so I 10:42AM</p> <p>11 don't know for sure.</p> <p>12 Q What does the section about Napster Radio</p> <p>13 disclose?</p> <p>14 MR. HEFAZI: Objection, vague and</p> <p>15 ambiguous. 10:42AM</p> <p>16 THE WITNESS: It discloses that you can</p> <p>17 play a radio station from Napster in one of the</p> <p>18 Sonos zones.</p> <p>19 BY MR. PAK:</p> <p>20 Q Do you see the instruction there where it 10:42AM</p> <p>21 says, "Add to Queue"?</p> <p>22 A Yes.</p> <p>23 Q So the Sonos controller guide discloses</p> <p>24 that a user can select an internet radio station in</p> <p>25 Napster and add it to a playback queue; correct? 10:43AM</p> <p style="text-align: right;">Page 57</p>

<p>1 A Correct. 10:43AM</p> <p>2 Q Now I would like to go back to Exhibit 2,</p> <p>3 which is the '615 patent.</p> <p>4 A Exhibit 2, okay.</p> <p>5 Q I would like you to look at Claim 13 again 10:43AM</p> <p>6 on Page 27.</p> <p>7 A Okay.</p> <p>8 Q And we're looking at the same limitation,</p> <p>9 Limitation A in Column 20.</p> <p>10 It says, "one or more resource locators 10:43AM</p> <p>11 corresponding to respective locations of the</p> <p>12 multimedia content at one or more second cloud</p> <p>13 servers on the streaming content service."</p> <p>14 Do you see that?</p> <p>15 A Yes. Let me just read the whole thing so I 10:44AM</p> <p>16 have the context.</p> <p>17 Q Sure.</p> <p>18 A Okay. Yes, I see it.</p> <p>19 Q What does the term "corresponding to" mean</p> <p>20 in this claim limitation? 10:44AM</p> <p>21 MR. HEFAZI: Objection, vague, ambiguous,</p> <p>22 outside the scope of his report.</p> <p>23 THE WITNESS: I think it's a word that</p> <p>24 describes how a URL works. It points to a location</p> <p>25 of an internet resource, in this case multimedia 10:44AM</p> <p style="text-align: right;">Page 58</p>	<p>1 A Okay. 10:46AM</p> <p>2 Q Would you please read the first sentence</p> <p>3 of that paragraph.</p> <p>4 A "I agree with Google's proposed construction</p> <p>5 that the term 'resource locator' means 'address of a 10:46AM</p> <p>6 resource on the Internet' based on how a POSITA would</p> <p>7 understand the term in view of the intrinsic and</p> <p>8 extrinsic record. In contrast, Sonos proposes a</p> <p>9 'plain and ordinary meaning' construction, but does</p> <p>10 not articulate what it believes is the plain and 10:47AM</p> <p>11 ordinary meaning of the term 'resource locator' or how</p> <p>12 it differs from Google's proposed construction."</p> <p>13 Q Let's skip to Paragraph 57 of your</p> <p>14 declaration.</p> <p>15 A Okay. 10:47AM</p> <p>16 Q Would you please read the last sentence in</p> <p>17 that paragraph.</p> <p>18 A "Indeed, in my experience, the term</p> <p>19 'resource locator' is often used in the art as</p> <p>20 shorthand for the phrase 'Uniform Resource Locator' or 10:47AM</p> <p>21 URL."</p> <p>22 Q So here you didn't cite to anything from</p> <p>23 your experience to draw this conclusion.</p> <p>24 What experience are you relying on to</p> <p>25 conclude that a resource locator is often used in 10:48AM</p> <p style="text-align: right;">Page 60</p>
<p>1 content. 10:44AM</p> <p>2 BY MR. PAK:</p> <p>3 Q Does the term "corresponding to" -- let me</p> <p>4 scratch that.</p> <p>5 Is the term "corresponding to" synonymous 10:45AM</p> <p>6 with "associated with" in this context?</p> <p>7 MR. HEFAZI: Objection, vague and</p> <p>8 ambiguous, calls for speculation.</p> <p>9 THE WITNESS: I suppose. I think -- I</p> <p>10 don't know. I for some reason think that 10:45AM</p> <p>11 "corresponding" is a stronger term that is the exact</p> <p>12 correspondence. "Associated with" might be weaker.</p> <p>13 But I don't know -- I guess they are</p> <p>14 equivalent. I don't have a strong opinion on that.</p> <p>15 BY MR. PAK: 10:45AM</p> <p>16 Q Is the term "corresponding to" synonymous</p> <p>17 with the term "related to" in the context of this</p> <p>18 claim?</p> <p>19 MR. HEFAZI: Objection, vague and</p> <p>20 ambiguous, calls for speculation. 10:46AM</p> <p>21 THE WITNESS: I think we're getting into</p> <p>22 that thesaurus category now. Sure, yes.</p> <p>23 BY MR. PAK:</p> <p>24 Q Okay. Let's go back to your declaration,</p> <p>25 which is Exhibit 1. And let's look at Paragraph 56. 10:46AM</p> <p style="text-align: right;">Page 59</p>	<p>1 the art as shorthand for the phrase "Uniform 10:48AM</p> <p>2 Resource Locator" or URL?</p> <p>3 A This is from my experience at USC. Starting</p> <p>4 around 1996, I was part of a team that started the</p> <p>5 first national multimedia center in the U.S. as part 10:48AM</p> <p>6 of a research center.</p> <p>7 One of the kind of branches of research in</p> <p>8 that had to do with early internet-related</p> <p>9 technologies. We had students that were working on</p> <p>10 projects. 10:48AM</p> <p>11 So I'm basing it on being around people</p> <p>12 that were programming HTML code, among other things,</p> <p>13 and talking about resource locators and other URIs.</p> <p>14 Q So a URL is a type of resource locator in</p> <p>15 your opinion; correct? 10:49AM</p> <p>16 A No, a URL is a resource locator. It's a</p> <p>17 type of --</p> <p>18 Q It is --</p> <p>19 A -- indicator. It's a type of URI.</p> <p>20 Q So when you hear the term "research 10:49AM</p> <p>21 locator," it's your opinion that that term is</p> <p>22 synonymous with "URL"?</p> <p>23 A Yes.</p> <p>24 Q So in the context of the '615 patent, it</p> <p>25 is your opinion that a resource locator must be a 10:49AM</p> <p style="text-align: right;">Page 61</p>

<p>1 URL; correct? 10:49AM</p> <p>2 A It is. In fact, I believe almost everywhere</p> <p>3 that they talk about resource locator, the -- it says</p> <p>4 "universal" in front of it with the exception of one</p> <p>5 of the claims, I believe. 10:50AM</p> <p>6 Q What is a URL?</p> <p>7 A A URL is a string of text that uniquely</p> <p>8 points to an internet resource.</p> <p>9 Q Are there different types of URLs?</p> <p>10 A There are -- the most -- the most common one 10:50AM</p> <p>11 is based on the HTTP protocol. I'm trying to think of</p> <p>12 other types of URLs.</p> <p>13 I guess FTP would be a different type of</p> <p>14 URL, it provides an identification, location and</p> <p>15 means to retrieve, which are required for a URL. 10:51AM</p> <p>16 Q Does the term "resource locator" recited</p> <p>17 in the '615 patent have to be a specific type of URL</p> <p>18 or can it be any type of URL?</p> <p>19 A I think as long as it --</p> <p>20 MR. HEFAZI: Objection, vague and 10:51AM</p> <p>21 ambiguous.</p> <p>22 THE WITNESS: As long as it follows the</p> <p>23 definition of a URL, it can be any type of URL.</p> <p>24 BY MR. PAK:</p> <p>25 Q Can you think of any type of URL that 10:51AM</p> <p style="text-align: right;">Page 62</p>	<p>1 I believe that a PURL points to a site 10:53AM</p> <p>2 that does not change.</p> <p>3 Q So is it your opinion that a persistent</p> <p>4 URL is a type of URL?</p> <p>5 A Yes. 10:53AM</p> <p>6 MR. PAK: I would like to introduce a new</p> <p>7 exhibit marked as Exhibit 10. Let me know when you</p> <p>8 see it.</p> <p>9 (Exhibit 10 was marked for identification.)</p> <p>10 THE WITNESS: Okay. 10:54AM</p> <p>11 BY MR. PAK:</p> <p>12 Q Do you happen to recognize this document?</p> <p>13 A I mean, it's from the Internet Archive. But</p> <p>14 I do not recognize it, no.</p> <p>15 Q Okay. Well, I'll represent to you that 10:54AM</p> <p>16 it's a published article I found on the internet</p> <p>17 entitled "Introduction to Persistent Uniform</p> <p>18 Resource Locators." It's authored by the developers</p> <p>19 of the PURL concept at the Online Computer Library</p> <p>20 Center. 10:54AM</p> <p>21 Do you see that this published article was</p> <p>22 captured on the Wayback Machine on December 13th,</p> <p>23 2011?</p> <p>24 MR. HEFAZI: Objection, lacks foundation.</p> <p>25 THE WITNESS: Help me where the date is. 10:55AM</p> <p style="text-align: right;">Page 64</p>
<p>1 would not be an address of a resource on the 10:51AM</p> <p>2 internet?</p> <p>3 A No. There are URIs. So we should think of</p> <p>4 this -- URI, Universal Resource Indicators, can</p> <p>5 contain other types of links. One type of URI is a 10:52AM</p> <p>6 URL, which must contain the address.</p> <p>7 But there are other types like name, ISBN</p> <p>8 numbers of books and things like that that are</p> <p>9 descriptive of the item but do not provide the</p> <p>10 location necessarily. 10:52AM</p> <p>11 Q Are there any types of URLs that do not</p> <p>12 provide the location?</p> <p>13 A No. That would be contrary to the</p> <p>14 definition of a URL.</p> <p>15 Q Do you know what a PURL is, which stands 10:52AM</p> <p>16 for persistent uniform resource locator?</p> <p>17 A I have heard the term, yes.</p> <p>18 Q Would you please describe what a</p> <p>19 persistent URL is?</p> <p>20 A To the best of my recollection, I should -- 10:53AM</p> <p>21 so a URL, first, points to an internet resource but</p> <p>22 that internet resource may not be persistent. For</p> <p>23 example, if you have a URL that points to a site that</p> <p>24 is Super Bowl champions, it always points to that</p> <p>25 site, but the content in that site changes. 10:53AM</p> <p style="text-align: right;">Page 63</p>	<p>1 I don't see the date. 10:55AM</p> <p>2 BY MR. PAK:</p> <p>3 Q Do you see the header?</p> <p>4 A Oh, yes. I see it.</p> <p>5 Q Okay. Let's look at the second paragraph 10:55AM</p> <p>6 under "Today's solution: Persistent URLs."</p> <p>7 Could you please read the second paragraph</p> <p>8 under that header?</p> <p>9 A "Functionally, a PURL is a URL. However,</p> <p>10 instead of pointing directly to the location of an 10:55AM</p> <p>11 internet resource, a PURL points to an intermediate</p> <p>12 resolution service. The PURL Resolution Service</p> <p>13 associates the PURL with the actual URL and returns</p> <p>14 that URL to the client. The client can then complete</p> <p>15 the URL transaction in a normal fashion. In Web 10:56AM</p> <p>16 parlance, this is a standard Hypertext Transfer</p> <p>17 Protocol redirect."</p> <p>18 Q So is a PURL an address of a resource on</p> <p>19 the internet?</p> <p>20 A A PURL points to an address which is the URL 10:56AM</p> <p>21 is what this says.</p> <p>22 Q So does that mean a PURL is not an address</p> <p>23 of a resource on the internet?</p> <p>24 A The PURL does not stand on its own. It</p> <p>25 needs a URL to point to. So it's -- I think of it 10:56AM</p> <p style="text-align: right;">Page 65</p>

<p>1 more as a tool, an intermediate service to assist 10:56AM</p> <p>2 with, as they call it, redirect to different web</p> <p>3 pages.</p> <p>4 So, for example, when you type in, I don't</p> <p>5 know, Lakers.com, it might take you to 10:57AM</p> <p>6 Lakers.MBA.com, which is the original URL. The PURL</p> <p>7 would be the Lakers.com.</p> <p>8 Q So is it your opinion that a PURL is not</p> <p>9 an address of a resource found on the internet?</p> <p>10 MR. HEFAZI: Objection, asked and answered 10:57AM</p> <p>11 already.</p> <p>12 THE WITNESS: Because of the fact that it</p> <p>13 doesn't stand on its own and it needs a URL, I would</p> <p>14 say no.</p> <p>15 BY MR. PAK: 10:57AM</p> <p>16 Q So it's not an address to a resource on</p> <p>17 the internet because it doesn't point directly to an</p> <p>18 address of a resource on the internet; correct?</p> <p>19 MR. HEFAZI: Objection, mischaracterizes</p> <p>20 testimony. 10:58AM</p> <p>21 THE WITNESS: No, it does point to an</p> <p>22 address. It does not point to an internet resource</p> <p>23 directly.</p> <p>24 BY MR. PAK:</p> <p>25 Q Let's go over that again. 10:58AM</p> <p style="text-align: right;">Page 66</p>	<p>1 BY MR. PAK: 11:00AM</p> <p>2 Q Okay. So is it your opinion that the term</p> <p>3 resource locator exclude certain types of URLs such</p> <p>4 as a PURL?</p> <p>5 A In the context of what we're talking about 11:00AM</p> <p>6 in the patent, yes, it is my opinion that a PURL is</p> <p>7 not a resource locator. It wouldn't point directly to</p> <p>8 a multimedia content item.</p> <p>9 Q Let's go back to Paragraph 56 of your</p> <p>10 declaration. 11:00AM</p> <p>11 A Okay.</p> <p>12 Q Here you agree with Google's proposed</p> <p>13 construction that a resource locator is an address</p> <p>14 of a resource on the internet; correct?</p> <p>15 A Correct. 11:01AM</p> <p>16 Q What is a resource?</p> <p>17 A A resource on the internet I presume you</p> <p>18 mean?</p> <p>19 Q Yes. In the context of the term of</p> <p>20 "resource on the internet," what does "resource" 11:01AM</p> <p>21 mean?</p> <p>22 A It's a wide variety of items that can be on</p> <p>23 the internet. It can be a song, a video, a book, a</p> <p>24 movie. It's any kind of content that -- it could also</p> <p>25 be a dictionary, any kind of content that is found on 11:01AM</p> <p style="text-align: right;">Page 68</p>
<p>1 The document says, "instead of pointing 10:58AM</p> <p>2 directly to the location of an Internet resource, a</p> <p>3 PURL points to an intermediate resolution service."</p> <p>4 Do you see that?</p> <p>5 MR. HEFAZI: Counsel, where are you 10:59AM</p> <p>6 looking?</p> <p>7 MR. PAK: I'm looking at the exhibit, the</p> <p>8 paragraph that -- the paragraph that Dr. K read, the</p> <p>9 second paragraph under "Today's solution."</p> <p>10 MR. HEFAZI: Okay. 10:59AM</p> <p>11 BY MR. PAK:</p> <p>12 Q So again, Dr. K, this document says,</p> <p>13 "However, instead of pointing directly to the</p> <p>14 location of an internet resource, a PURL points to</p> <p>15 an intermediate resolution service." 10:59AM</p> <p>16 Do you see that?</p> <p>17 A Yes.</p> <p>18 Q Is it your opinion that a PURL is not an</p> <p>19 address of a resource on the internet because it</p> <p>20 doesn't point directly to an address of a resource 10:59AM</p> <p>21 on the internet as this document says?</p> <p>22 A Yes.</p> <p>23 MR. HEFAZI: Objection, vague and</p> <p>24 ambiguous, and mischaracterizes the document.</p> <p>25</p> <p style="text-align: right;">Page 67</p>	<p>1 the internet that has an address is a resource. 11:01AM</p> <p>2 Q Okay. In an example where a song is a</p> <p>3 resource on the internet, what is the resource</p> <p>4 locator?</p> <p>5 A It is the URL that points to the Web address 11:02AM</p> <p>6 of the location of the song.</p> <p>7 MR. PAK: I would like to introduce a new</p> <p>8 exhibit here.</p> <p>9 (Exhibit 11 was marked for identification.)</p> <p>10 MR. PAK: I will mark this as Exhibit 11. 11:02AM</p> <p>11 Q Let me know when you see it.</p> <p>12 A Yes.</p> <p>13 Q You recognize this document; correct?</p> <p>14 A I do.</p> <p>15 Q What is this document? 11:03AM</p> <p>16 A It's the exhibit from my -- Exhibit G from</p> <p>17 my declaration. It's part of the Merriam Webster --</p> <p>18 it's a snip from the Merriam Webster dictionary.</p> <p>19 Q Do you know when these definitions of</p> <p>20 "resource locator" and "URL" were published online? 11:03AM</p> <p>21 A I do not.</p> <p>22 Q Did you print these definitions yourself?</p> <p>23 A For my declaration, yes, I did.</p> <p>24 Q Do you know when these definitions were</p> <p>25 printed? 11:03AM</p> <p style="text-align: right;">Page 69</p>

<p>1 A I'm sorry, printed by me? 11:03AM</p> <p>2 Q Yes, printed by you.</p> <p>3 A So I did everything electronically without</p> <p>4 printing except this morning when I printed a copy of</p> <p>5 my report. 11:04AM</p> <p>6 Q Right. So the header of Exhibit 11 here</p> <p>7 has a February 11th, 2022 date.</p> <p>8 Is that when this Exhibit G was printed</p> <p>9 for your declaration?</p> <p>10 A I believe that is the date that my 11:04AM</p> <p>11 declaration was submitted. So that's probably the</p> <p>12 reason for that date.</p> <p>13 Q Did you conduct a search for the</p> <p>14 definitions of "resource locator" and "URL" in this</p> <p>15 Merriam Webster online dictionary? 11:04AM</p> <p>16 A No, I conducted a search for "resource</p> <p>17 locator" because I was unfamiliar with the term on its</p> <p>18 own without the word "universal" or "uniform" ahead of</p> <p>19 it. And what I found was that those were the only two</p> <p>20 choices. 11:05AM</p> <p>21 Q Let's skip to Paragraph 61 of your</p> <p>22 declaration. Could you please read the first</p> <p>23 sentence?</p> <p>24 A "The term 'resource locator' appears in the</p> <p>25 '615 patent specification only as part of the larger 11:05AM</p> <p style="text-align: right;">Page 70</p>	<p>1 MR. HEFAZI: Yeah. Can we take a short 11:07AM</p> <p>2 break and I can come back on the record and let you</p> <p>3 know if I have any questions.</p> <p>4 MR. PAK: Sure, how about we come back</p> <p>5 at -- what time is it? 11:07AM</p> <p>6 THE WITNESS: 11:07 here.</p> <p>7 MR. HEFAZI: It's 11:07. How about if we</p> <p>8 came back around 11:20?</p> <p>9 MR. PAK: That sounds good.</p> <p>10 VIDEOGRAPHER: This marks the end of Media 11:07AM</p> <p>11 Number 2. Going off the record at 11:07 a.m.</p> <p>12 (Recess taken.)</p> <p>13 VIDEOGRAPHER: This marks the beginning of</p> <p>14 Media Number 3. Going back on the record at</p> <p>15 11:19 a.m. 11:19AM</p> <p>16 MR. HEFAZI: Dr. Kyriakakis, no questions</p> <p>17 for me. Thank you for your time. I appreciate it.</p> <p>18 THE WITNESS: Thank you.</p> <p>19 VIDEOGRAPHER: Counsel, is it okay to go</p> <p>20 off the record? 11:20AM</p> <p>21 MR. PAK: Yes.</p> <p>22 MR. HEFAZI: Yes.</p> <p>23 VIDEOGRAPHER: Thanks. We're off the</p> <p>24 record at 11:20 a.m. And this concludes today's</p> <p>25 testimony given by Dr. Chris Kyriakakis. 11:20AM</p> <p style="text-align: right;">Page 72</p>
<p>1 phrase 'uniform resource locator (URL)', which the 11:05AM</p> <p>2 patent describes as 'specifying an address' to an</p> <p>3 audio track in the cloud."</p> <p>4 Q Then you cite to passages in the '615</p> <p>5 patent, for example, you cite to Column 11, Row 65 11:05AM</p> <p>6 through Column 12, Row 3; correct?</p> <p>7 A Correct.</p> <p>8 Q And that passage says, "For example, zone</p> <p>9 player 602 may contain a uniform resource locator</p> <p>10 (URL) that specifies an address to a particular 11:06AM</p> <p>11 audio track in the cloud. Using the URL, the zone</p> <p>12 player 602 may retrieve the audio track from the</p> <p>13 cloud and ultimately play the audio out of one or</p> <p>14 more zone players."</p> <p>15 Do you see that? 11:06AM</p> <p>16 A I do.</p> <p>17 Q Does that mean that a playback device</p> <p>18 recited in Claim 13 of the '615 patent must be able</p> <p>19 to communicate over the internet?</p> <p>20 A If it's going to be retrieving URL, yes, 11:06AM</p> <p>21 URLs.</p> <p>22 MR. PAK: I actually don't have any other</p> <p>23 questions. It seems like we're going to have a very</p> <p>24 short dep here. Nima, do you have any questions you</p> <p>25 would like to ask? 11:07AM</p> <p style="text-align: right;">Page 71</p>	<p>1 The total number of media used was three</p> <p>2 and will be retained by Veritext Legal Solutions.</p> <p>3 (Proceedings concluded at 11:20 a.m.)</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: right;">Page 73</p>